Am 5/4/985

United States Department of Agriculture

Animal and Plant Health Inspection Service

Veterinary Services

Dealing in Animals? They Need Proper Care

NEWARK PUBLIC LIBRARY

MAY 1 2 [illegible]

U. S. GOVT. PUBS.
DEPOSITORY 375

A101.2:

READEX FICHE best copy available

Dealing in Animals? They Need Proper Care

Proper care and treatment for animals is good business for dealers. The animals depend on it and Federal law requires it.

Legislation enacted on August 24, 1966, December 24, 1970, and April 22, 1976—collectively known as the Animal Welfare Act—requires dealers to comply with certain basic regulations and standards intended to protect their animals.

Licensing Requirements

Nearly 7,000 businesses are licensed by the U.S. Department of Agriculture (USDA) to deal in animals. USDA publishes a directory listing their names and addresses each year. The license is required by the Act for people to deal legally in dogs, cats, monkeys, guinea pigs, hamsters, rabbits, marine mammals, and most other wild and tamed warmblooded animals.

You need a dealer's license to engage in a variety of business operations, including: (1) importing, breeding, and transporting animals; (2) buying, selling, and trading at the wholesale level; (3) operating dog and cat auctions; and (4) supplying laboratory animals and laboratory specimens prepared from animals. (Animal exhibitors also must be licensed under other provisions of the Act.)

This publication informs animal dealers about regulations and standards of animal care required under the Animal Welfare Act. The intent is not to substitute for official documents, but to clarify points about which licensees have had questions. The regulations and standards themselves are published in the Code of Federal Regulations, Title 9, Subchapter A, Parts 1, 2, and 3. Copies are furnished dealers when they apply for a license—or anytime upon request from: Animal Care Staff, APHIS Veterinary Services, USDA, Federal Building, Hyattsville, MD 20782.

You are exempt from licensing if you sell at retail only (except wild animals), breed animals as a hobby, sponsor trade-day sales, or supply seeing-eye dogs. You also are exempt if you operate a public pound, private animal shelter, or boarding kennel. And no matter what your type of business is, you don't need to be licensed to handle nonregulated animals, such as birds, rats, mice, horses, ponies, and farm animals, and all coldblooded animals, such as fish, lizards, and turtles.

However, you must be licensed—even if you have a retail pet shop—if you sell native wildlife or any exotic wild animals. You also must be licensed if you sell animals to other retailers, research institutions, exhibitors, or animal dealers. Once your retail store is licensed, **all** regulated animals in your business are covered by Federal requirements.

You can find further details about licensing—including procedures for becoming licensed—in the booklet: **Licensing and Registration Under the Animal Welfare Act,** available from APHIS Veterinary Services offices.

If you need to be licensed, apply to Veterinary Services of USDA's Animal and Plant Health Inspection Service. Local field offices are located in the capitals of most States. If you have trouble finding them, write Animal Care Staff, Veterinary Services, APHIS, 765 Federal Building, Hyattsville, MD 20782.

License Fees

To be licensed, you must pay an annual license fee, ranging from $5 to $500. The amount of the fee depends on your gross dollar volume (you cannot deduct any expenses or other overhead costs) of business in regulated animals (see Table 1).

"Dollar volume" is determined as follows:

- Wholesalers and nonexempt retailers: Amount received from the sale of regulated animals, less their cost. Overhead expenses cannot be deducted.
- Pet breeders: 50 percent of gross sales of regulated animals.
- Animal brokers: Income from commissions and brokerage fees from selling regulated animals.
- Auction operators: Income from commissions and fees from selling regulated animals.
- Suppliers of specimens: Amount received from the sale of specimens, less the cost of the live or dead animals from which they were prepared.

Table 1

Fee schedule for pet dealers:

Income from regulated activities	Fee
Less than $500	$ 5.00
$500–$2,000	15.00
$2,001–$10,000	25.00
$10,001–$25,000	100.00
$25,001–$50,000	200.00
$50,001–$100,000	300.00

To help APHIS determine the amount due, you must file an annual report on your volume of business and the type and numbers of animals you handle. If you don't file the report or don't pay

the license fee by the anniversary of the date when you first got it, your license is not valid. You are prohibited from further dealings in regulated animals until you are relicensed. If you wonder what happens to the money you pay as fees—it goes to the U.S. Treasury as miscellaneous receipts. The money is not available to USDA; its enforcement work is financed only through regular Congressional appropriations.

Animal Care Standards

All dealers must meet the standards of animal care set by the Animal and Plant Health Inspection Service (APHIS). These standards cover: (1) Housing, plus proper caging, sanitation, ventilation, shelter from extremes of weather and temperature, and separation of incompatible animals; (2) feeding, watering, veterinary care, and handling; and (3) transportation. These standards apply only to regulated animals, although they also can provide some guidance in handling other types of animals.

APHIS officials develop standards from suggestions given by leading animal dealers, animal welfare specialists, and animal researchers. Before a standard is made effective, it first is proposed officially for public comment, and it is subject to change in line with these comments. Standards are subject to change as conditions in the animal business change.

The Code of Federal Regulations lists animal care standards in separate sections covering: Dogs and cats; guinea pigs and hamsters; rabbits; monkeys; other warmblooded land mammals; and marine mammals. Many of the key features of these standards are discussed below. As a licensee, you must be sure you understand *all* of the standards, and you should resolve any uncertainties by contacting APHIS inspectors.

Housing

If cages are part of the housing you provide, you must allow the animals enough room to stand easily, turn about freely, and sit and lie in a normal position. The animals also must be able to perform the body functions appropriate for the species. And, for each species, the maximum number of animals that may be put in a single cage is specified.

The Federal standards outline how to calculate the minimum cage size or specific cage dimensions for dogs, cats, guinea pigs, hamsters, rabbits, and monkeys. Pool size for marine mammals also is specified. APHIS officials may set specific dimensions for other species when authoritative information on the space needs of these animals becomes available.

APHIS officials caution you not to interpret the listed cage sizes too narrowly. Consider recommended standards of industry experts, and also plan for the future needs of your business.

Your animals must be housed in a building that is in good repair. The building must be structurally sound, may not leak, and

must be easy to clean and sanitize. Drains must rapidly eliminate excess water on the floor, and sewage or other drainage material may not be allowed to back up onto the floors. There must be adequate heat and ventilation. Lighting must be at least clear enough to let you make routine inspections and clean animal cages properly.

You must remove and properly dispose of animal and food wastes, including used bedding. You must clean cages often and thoroughly enough to keep animals healthy and to reduce disease hazards and odors. If you flush or hose cages, you must shift animals that can be harmed or made uncomfortable by being wetted.

Before you put new animals into a cage—and at least once every 2 weeks—you must treat cages, rooms, and hard-surfaced pens and runs with live steam; or you must sanitize them with water heated to at least 180°F and soap or detergent, followed by a safe and effective disinfectant. You must keep floors of outdoor pens or runs clean by removing manure and soiled gravel, sand, or dirt.

You may keep animals outdoors, but you must provide them adequate protection from inclement weather, and you must acclimatize house pets to outdoor living. Proper drainage and sanitation of outside runs also is required.

You must take steps to avoid natural stress arising from housing incompatible animals close together. For example, in most cases, females in heat may not be caged with males, except for breeding. Dogs and cats may not be caged together, and vicious animals that annoy or attack cagemates must be caged separately.

Feeding, Watering, and Care

Federal standards require you to provide appropriate feed of good quality and nutritive value in line with accepted practices of the trade. For many species, precise feeding instructions are given. You also must provide potable water.

Receptacles for feed and water must be clean and sanitary, and supplies of feed must be stored securely to prevent infestation by vermin. Refrigeration is required for perishable feed.

Each animal must be observed daily. You can inspect animals yourself or hire trained caretakers to do this. Sick or diseased animals must get prompt professional attention.

You must arrange with a veterinarian to set up a program to control diseases, parasites, and pests. The veterinarian must regularly review this plan to see that your business hasn't outgrown it and to be sure a capable person carries it out.

You are allowed to humanely kill surplus or diseased animals. The method of killing, however, must be set up and reviewed by your own veterinarian. APHIS does not allow poisoning with strychnine and cyanide, clubbing, drowning, and direct exposure

to hot exhaust gasses. Whenever you kill an animal, you must retain its records for at least 1 year.

There is a general requirement for proper handling of animals, which emphasizes that you must care for your animals without abusing them and without causing them unnecessary discomfort, behavioral stress, or physical harm.

Transportation

As a dealer, you are responsible for the safety and comfort of animals you ship, from the time they leave your premises until the time they are delivered. You are wholly responsible if you use your own transportation, and you share the responsibility if you use public transportation.

If you are the shipping dealer, you always are responsible for providing proper shipping cages. Cages must be large enough to permit animals to stand up, turn around, and lie down normally. In addition, you must comply with minimum floor space requirements for dogs, cats, and some other animals.

There also are limits on the number of animals that may be placed in one cage. For example, you may place only one dog or cat in a cage, except that you may put two kittens or puppies together if they are less than 6 months of age and weigh 20 pounds or less.

Cages must be strong enough to withstand shipping. The insides must be free of protrusions that could cause injury, and the outsides must have handles or grips so the cage can be picked up level. There must be free access to the animals inside.

Each cage you ship commercially must be clearly marked "live animals" or "wild animals." Arrows must indicate the upright position. Documents accompanying the shipment must be attached to the outside of the cage, along with instructions for providing feed and water en route.

The cage bottom must be solid and leakproof. Bedding made of litter or absorbent material must cover the bottom, unless wire mesh or another type of porous flooring separates the animal from the bottom of the cage.

Ventilation must be provided on at least two opposite sides of the cage, so that air can flow freely through both the upper and lower parts of the cage. Rims or knobs projecting from the outside are required to keep ventilation from being blocked by adjacent cargo.

If you are the shipping dealer, you also must make sure that animals are able to withstand the stress of travel. Puppies and kittens, for example, must be at least 8 weeks old before being shipped. All dogs, cats, and monkeys must be examined by a licensed veterinarian within 10 days of shipment, and a health certificate signed by the veterinarian must accompany the animals.

You must take all possible precautions to keep animals from being exposed to temperatures outside the range set by the

regulations. Allowance is made for most species if individual animals have been acclimated to low temperatures. The acclimation must be certified by a private veterinarian accredited by USDA to perform official functions for the Government.

If you ship animals in your own vehicle, you are personally responsible for the humane handling, safety, and health of the animals en route, whether you do the hauling or have an employee do it. If animals are hauled by an independent trucker, that trucker is responsible for animal care en route.

Trucks must be cleaned between trips and maintained so that exhaust from the engine does not get to the animals. Cages must be stacked so that each animal can breathe properly and is protected from droppings that fall from above. The driver must be able to inspect each animal and reach it easily in case of emergency. The driver must stop at least every 4 hours to check on each animal. If there is a problem, he must correct it himself or get veterinary care immediately. He must provide water frequently (every 12 hours for dogs and cats) and provide adequate feed—as specified in the standards for various classes of animals. He must make sure that animals are not exposed to temperatures outside the comfort range set by regulation.

If you ship animals on public carriers—airplanes, trucks, or railroad trains—you should make reservations early. You should arrange a quick, direct routing that does not expose animals to temperatures above or below the legal limits.

You must make special arrangements with the carrier to hold animal shipments safely at the terminal if you drop them off more than 4 hours before the scheduled departure. No animal may be dropped off more than 6 hours ahead of time.

C.O.D. shipments are not permitted unless you guarantee payment for care of animals not claimed promptly by the recipient. Return fare for unclaimed animals also must be guaranteed.

Recordkeeping and Animal Identification

You must keep records on all regulated animals. At a minimum, your records must indicate that the animal was born on your premises or, if you bought it, the source and time of purchase. The records must show clearly where you keep each animal. Sales and deaths must be noted.

Special identification requirements to help trace lost or stolen pets apply to dogs and cats. Random-source dogs and cats must be officially identified when acquired by a dealer. Animals from a closed colony must be identified by the breeder at the time of sale. Dogs and cats in a closed colony must be individually identified to your records at all times.

A permanent tattoo is acceptable. Untattooed dogs and cats must wear an official USDA collar tag, identifying the dealer and the animal. The numbering system must be consecutive and numbers may not be repeated. Dealers must be able to account for each tag and the dog or cat to which it is issued.

Unweaned puppies or kittens need not be identified individually as long as they are maintained as a litter and the mother is identified. Puppies and kittens under 16 weeks old may be identified by plastic identification collars that contain the same data as the official tag.

Figure 1. Typical USDA license tag. The top line gives the State where the dealer is located and his personal identification. The middle line identifies the individual animal wearing the tag. The numbers may not be duplicated.

Holding Periods

Dogs and cats must be held a minimum length of time after you acquire them, in order to facilitate tracing lost or stolen pets. If you are the first licensed dealer acquiring a dog or cat, you must hold the animal during 5 days in which you normally are open for business. The day of acquisition counts as the first day and the day you sell the animal can count as the fifth day.

If you don't have space or help to hold dogs and cats 5 days, you can arrange for someone else to hold the animals for you, provided the agreement has prior APHIS clearance. If another licensed dealer has previously complied with the 5-day holding requirement for a particular animal, you only need to hold it for 1 additional calendar day. That means one 24-hour period beginning at midnight. You must unload the animals and provide food, water, and rest during the holding period, even if it lasts for only 24 hours.

Compliance Inspections

As a licensed dealer, your facilities are regularly inspected for compliance with Federal regulations and standards. You are inspected before you can be licensed, and you must continue to pass inspections in order to keep your license. Inspectors also go to unlicensed businesses to check if they should be licensed.

Inspectors are trained and experienced APHIS employees working under the direction of an APHIS veterinarian. Keep in touch with the local APHIS office that issued your license so that you can be inspected as required. You must inform APHIS of any change in the name, address, and ownership of your business within 10 days of making the change. You may inquire with APHIS to verify the identity of an inspector, each of whom carries an official identification card.

APHIS inspections are unannounced. Typically, inspectors check your facilities, property, and animals on hand. They also

check your business records, and you must give them free use of workspace to look at and take notes on your documents.

If deficiencies are found during an inspection, you are given a reasonable period of time to correct them. The inspector lists deficiencies on an official inspection form, and gives you a copy. Feel free to consult with the inspector to be sure you understand precisely what is needed to bring your business into full compliance.

Only APHIS inspectors, police, or other law enforcement officers are authorized by the Animal Welfare Act to search a dealer's premises for missing animals. Police must present proper identification. They must provide a description of the missing animals along with the name and address of the owner. All inspectors, including police, must comply with requests from dealers to take proper precautions to prevent the spread of disease.

Enforcement

The Animal Welfare Act sets penalties for violations. Operating without a license is punishable by fines up to $1,000 plus 1 year in prison, or both. Forcibly interfering with an inspector is punishable by up to $5,000 in fines, up to 3 years in prison, or both. Maximum penalties for assaulting APHIS employees are $10,000 in fines and 10 years in prison.

Failure to correct deficiencies found during APHIS inspections of your business can have immediate consequences. APHIS can confiscate animals which are suffering from neglect. In case of flagrant violations, they can immediately suspend a dealer's license for up to 21 days.

Other possible penalties for noncompliance are $1,000 in fines and imprisonment up to 1 year; revocation or suspension of a dealer's license; and an order to cease and desist from specific unlawful practices. Violation of a cease-and-desist order can result in penalties up to $500 for each day that the violation continues.

Except for emergency confiscations and summary license suspensions, no penalties are imposed without a hearing in court for the licensee. Hearings take place in a U.S. District Court, often before a magistrate empowered to adjudicate violations of this type. Alternatively, hearings may be held by a USDA administrative law judge; he can impose license suspensions and revocations, cease-and-desist orders, and fines up to $1,000. All penalties can be appealed to higher courts.

January 1980
slightly revised August 1985